

**CITY OF TAKOMA PARK, MARYLAND  
(MINUTES ADOPTED 2/14/05)**

**PRESENTATION, PUBLIC HEARINGS, INTERVIEWS, REGULAR MEETING &  
CLOSED SESSION OF THE CITY COUNCIL**

**Monday, May 10, 2004**

**OFFICIALS PRESENT:**

Mayor Porter  
Councilmember Austin-Lane  
Councilmember Barry  
Councilmember Elrich  
Councilmember Mizeur  
Councilmember Seamens  
Councilmember Mr. Williams

City Manager Finn  
Assistant City Clerk Carpenter  
ECD Director Daines  
Community Development Specialist Thompson

The Council convened at 7:37 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland

**COUNCIL COMMENTS**

Mr. Williams commented on the success of the Ward 3 “Rock the Block” event in Spring Park.

Mr. Seamens announced the Ward 4 recreation event scheduled for May 22, on Ed Wilhelm Field. Mr. Seamens commented that he was concerned about publication of the final FY04 budget. It does not include organizational charts, a financial spreadsheet, other financial charts, or historical data.

Ms. Mizeur announced that SOSCA is having a public safety meeting on Sunday, May 16 at 4:00 p.m., at 830 Hayward Avenue. Officer Butler, working on citizen patrol and neighborhood watch, will be there. She encouraged everyone in SOSCA to attend.

Mr. Barry thanked the Police Department for their work recently when there was a child lost in his neighborhood.

Ms. Porter reminded the public about the Takoma Foundation fundraiser on Sunday, May 16, from 5:30 - 8:00. She noted that this afternoon the Montgomery County Council passed our \$750,000 for the Community Center. The final vote will be later this month.

**PUBLIC COMMENTS**

None.

## **REGULAR MEETING**

### **1. Councilmember Williams' Community Center Construction Update.**

Mr. Williams reported on Community Center finances. The information will be provided on the City's web page.

Regarding the fire alarm, the waiver request is pending. The County Fire Marshal thinks this should be acceptable. Regarding pending items – finishing the main level should be possible once the offices have moved upstairs and downstairs.. The October 16 finish date has been moved to January 13. To find a figure for finishing the top floor, plan A, he used the mid figures. It hasn't been designed and bid yet (\$450,000 is the general figure).

With regard to the balance available, we're at about \$100,000 that we don't have. There are potential issues: there may be costs associated with the PEPCO light pole. There are issues with the WSSC information (water and sewer). And there are issues with the parapet wall (in the Council Chambers).

On the stormwater fund, and the box culvert and stormwater breakout of revenue and expenditures. The final figure will be close to the \$950,000 to \$1 million.

Ms. Austin-Lane asked about the proposed stormwater borrowing. Mr. Williams explained that we can take a loan from a financial institution, and the collateral is future stormwater revenues. This would help to isolate and segregate stormwater expenses paid for by stormwater funds. It pays for capital improvements to the stormwater system.

Ms. Austin-Lane questioned the amount of stormwater fees the City is collecting if there is a surplus available.

Ms. Porter asked if the amount of the ending change orders are likely to go up or down?

Mr. Williams said they are fairly close at this point.

Mr. Seamens asked when the stormwater borrowing would be discussed?

Ms. Porter suggested that it be taken up as part of the stormwater budget.

Mr. Seamens asked for clarification on some skips in the numbering of the change orders. Are there other change orders that we have not heard about?

Mr. Williams said, these are the sequential numbers. Some of these numbers may get combined. The amount above and beyond this, I am not yet ready to put that on paper. I would not want to speculate.

Mr. Seamens asked if \$450,000 is realistic for completion of the work on this floor. The architect gave us estimates lower than reality.

Mr. Williams noted that we needed to have a design in order to bid it.

Mr. Seamens said he wished to continue to encourage Council to examine how we can rein in the money needed for construction so that we have money for equipping and programming the center.

(Mr. Elrich arrived at 8:05 p.m.)

## **2. Public Hearing - Constant Yield Tax Rate**

The Public Hearing began at 8:08 p.m.

Ms. Porter read the text of the constant yield tax rate notice.

Marian MacDorman, 8002 Maple Avenue said she opposes any increase beyond the constant yield tax rate. Citizens already pay more than others in Montgomery County. I am already getting increased assessments, and am afraid I will not be able to afford to live in this community. Takoma Park has traditionally had workers who work in government, NGO's and nonprofits. I have had two friends who moved because they couldn't afford to continue to live here.

Jim DiLuigi, 7106 13<sup>th</sup> Avenue said, I don't understand what you are trying to do. We've gotten money from the police rebate. I don't understand how you can increase taxes, hold COLTA to 1.9%, and then say we don't have enough money to finish the community center. I want to know where the money is going.

Jane Lawrence, 7704 Takoma Avenue announced that Alain Thery was distributing a chart. Given the quality and timing of the budget, there's no way to properly prepare to respond. You're leaking costs, there is a backlog of \$4 million of unrepaired roads, we don't have a road rehabilitation plan. There is a historical perspective. Rising assessments are not a good sign for the community. They are only healthy for individual net worth. Montgomery County tax schedules on the web show that the City has the highest tax burden in the County. This chart is significant because rising assessments burden Takoma Park more than other County residents. Her interpretation is that holding the tax steady is a tax increase. The chart, on page 3, shows the taxes we paid since 1982. My house, if sold to someone else, would capture the full assessment. A 10% increase to 2011 is a fair assumption. My house is not the highest assessed value in Takoma Park. A friend on Maple will pay close to \$20,000. Ms. Lawrence commented on other information in the handout. This says that while my net worth is higher, the community is less healthy. We have passed the higher water mark of diversity. Takoma Park will be whiter, wealthier, and younger. I think we'll probably move. \$1,000 per month in property tax is too much. We have to consider what low, moderate, and fixed income residents can afford. It is a

luxury to provide full services in the city, which is in a full service county. I hope under the new city manager, we'll take a look at this.

Lorraine Pearsall, 7708 Takoma Avenue said these things are very scary. You need to be creative to come up with a solution. Those who want to stay here will be driven out. In years to come, I ask that you make this a priority and look at this seriously.

The hearing closed at 8:26 p.m.

### **3. Public Hearing on Proposed FY05 Budget**

The hearing was convened at 8:26 p.m.

Alain Thery, 716 Erie Avenue said the proposed budget was released very late, May 3, three months later usual. It seemed to be a compressed time and an accelerated calendar. There was one week between the public release and the public hearing. The budget presentation was better than in previous years, but it has serious deficiencies. There is no data on actual expenditures. There are only references to the adopted budgets. Does that indicate that the accounting system is deficient? The consequences are dire. The budget discussion is not based on spending/expenditures, but on proposed budget for current year.

We have three or four full-time positions not filled, that represents one and two percent of the budget. There is the opportunity to shift the funding and avoid responsibility. The budget should include the FY05 proposed, and FY06 and FY07 projected. We are considering borrowing. There are problems in the logic of the budget presentation. Why are some items, fuels for example, in non-departmental?

With respect to finances there is a 6.3 percent increase, which is way above the inflation rate. You know you have had a shot across the bow from the County on the police rebate. As I look at it, you're saying we got the money back and everything is fine. The budget is not done on elemental grounds. Some items you know are "iffy." This includes the borrowing from the stormwater fund, and the equipping of the community center.

Richard Levine, 7420 Cedar Avenue spoke about Friends of the Tool Library. There is a great deal of interest. He discussed programs to make it more user friendly. We want to devote the energy to this. Given the unanimous support why have you not funded it?

Ms. Porter replied that this will come up during the Public Works budget discussion.

The hearing was closed at 8:34 p.m.

#### **4. Interviews - Arts and Humanities Commission**

The Council interviewed Emily Schillingburg, Jonathan Morris, Dave Lorentz, Cynthia Mills, and Stephanie Jennings.

Emily Shillingburg, a new candidate for membership on the Commission, said she is an anthropologist with a background in cultural resources and has worked as an archeologist and educator. She has worked for the Department of the Interior, as a curator for the BIA, and, with Indian and community organizations. The Commission has done tremendous work through their cultural plan to engage the community. It needs to address some specific areas such as facilities to work and present priorities such as the new community center, the need for networking and coordination with other artists and organizations, and support of volunteer based organizations which have specific needs. It has a need for technical assistance in marketing and identifying funding.

Cynthia Mills said there's been a lot of activity on the Commission. I'm an urban planner, arts historian, and work in public administration. My background is in grant making and public processes. My interest is around the cultural planning process. It is interesting to see the chemistry on the Commission. It took longer than expected to get going. There are many ideas on the table. We are at a critical point.

Dave Lorentz said, I have not been completely happy with the Commission activities. I don't feel that there has been enough attention to actual artists and humanists in the community. I have differences with most of the members. I can either withdraw or stay aboard to try and exert an influence. Most of my life has been spent in the performing arts. I think the Commission needs to hear from more than one side. It was my intention that it be a local arts council. I would like to see more attention devoted to the actual arts and humanities, rather than the community at large. The panels project appalled me; none of them were done by artists.

Johnathan Morris said he was an artist, composer, and musician. It's been interesting participating on the Commission. We are developing a strategic plan, doing an inventory of needs, and building an infrastructure to evaluate our impact.

Mr. Seamens commented to Dave Lorentz that maybe the Arts Commission is not the right focus for your talents. I admire you for coming back to re-up, but are you going to feel continued frustration. Maybe your energy would be better focused in more artist centered organizations.

Dave Lorentz referred to the mission of the Commission. I expected that would be the very first thing we would have done. We've been working a whole year, but now we are only focusing on where we are going. We are set up to start the process. I'm not completely happy, but if I withdraw I have no more say in the matter. A few ideas of what I proposed has taken place. Now and then I am able to make a small impression.

## **5. Commission on Landlord-Tenant Affairs (COLTA)**

The Council interviewed two prospective members of the Commission - Nardra Johnson and Kelly Bosma.

Kelly Bosma introduced herself as a new resident of Takoma Park. You have given me a warm welcome. I found that my experience would really fit COLTA. I am a new college graduate, I sat on student conduct committee and helped find solutions to problems. I am interested in law, and political science. I found a fun home here in Takoma Park. I want to give back something to the community. When asked if she was a tenant, Ms. Bosma said she believes she is actually a subletter.

Nardra Johnson said she has lived in Takoma Park since 1968. She grew up here. She moved away in 1982, and returned in 1994. She lives at 7520 Maple Avenue, with two children. My background is with the US Navy for 20 years. She worked in base operations, and public works. She currently works for the US Capital. I've noticed diversity. Since 1968 Takoma Park has bloomed in all different directions. I've lived in apartments most of my life. I come to offer a voice, and to help my community. I'm also President of Silver Spring Child Care on Colesville Road.

Ms. Porter said there are three vacancies and they will probably fill them very soon. We appreciate your applying.

The applicants for reappointment to the COLTA Commission are David Lurie and Peter Munger. They were also interviewed.

Mr. Williams clarified, we will have a fourth vacancy—Sean Tipton.

Peter Munger said, things have gotten better with the City Attorney. He said more will run than when I first joined.

David Lurie said there are fewer issues between landlords and tenants. New landlords sometimes have problems with our regulations. We still do some useful work there.

Mr. Elrich said he did appreciate your work.

Mr. Seamens said he was struck with COLTA's professional approach.

Ms. Porter referred to the interviews with Sean Tipton and Steve Wasser - I believe both have to be rescheduled.

## **6. Facade Advisory Board**

John Urciolo said is interested in continuing on the Board. He said, my term as Chairman is also up. I wanted to be on to make certain the board works and functions well. A number of cases have come up. I would like to see Council address the guidelines we will be working on. I would like to stay with it.

Mr. Elrich asked, how will you handle conflicts of interest?

John Urciolo said, I understand. It is a large enough board that I think it will be fine.

Mr. Williams asked, has the FAB discussed window displays?

Mr. Urciolo said, guidelines do address some of that. We may be able to beef these up.

Mr. Williams said, in a number of cases, businesses set up windows oriented to customers inside rather than from the street.

John Urciolo acknowledged, also the Montgomery County sign ordinance has impact. There's a lot to be done in defining what some of the issues are - we can't address color, for example.

## **7. Free Burma Committee**

Susan Lowen was unable to attend. The interview will be rescheduled.

## **8. Noise Control Board**

Jennifer Tufts of 7057 Carroll is a 2 ½ year resident. She is fond of Takoma Park and its institutions. Ms. Tufts said the Noise Control Board is interesting to me as an audiologist. I worked with coal minors in Ohio. I understand that the board doesn't deal with hearing loss.

## **9. Nuclear Free Committee**

Adam Frank was unable to attend. The interview will be rescheduled.

## **10. Personnel Appeal Board**

Interviews were conducted with Sandra Coles-Bell and Robert Wedeimer.

Robert Wedeimer said he has extensive experience in remodeling and cost overruns. His background includes labor relations in FAA. He works with managers, and supervisors and supports 6,000 employees nationwide. When issues come to the management level, we look at the system. The Personnel Appeal Board seems to be similar to that. I've found that when you strip back the onion, both sides need to be heard and understood. The key point is the respect for

the process. My expertise seems to be a best fit for the board.

Sandra Coles-Bell said, this is my third term and we haven't had a case since I've been on the board. She said she has done little but is ready to help. My background is in non-profits. I have had to serve in this capacity with my own subordinates.

Mr. Seamens asked, can you tell me a bit more about the board? Do you deal with personnel matters for all of the employees? Would you be able to get a bit more involved to find out what it means that no-one has come to you?

Mr. Finn noted that the process works. Most of our employees go through the union. I imagine that the board existed before unions. Given the two unions, employees tend to go through the grievance process.

#### **11. Resolution re: Community Outreach Plan (Community Development Block Grant Program).**

The resolution to adopt the Community Advisory Committee Outreach Plan for the CDBG program was moved by Williams; seconded by Austin-Lane.

Resolution #2004-17 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

#### **RESOLUTION #2004-17 (Attached)**

#### **12. Single Reading Ordinance re: Gateway / Wayfinder System**

Ms. Daines noted that the staff recommends that the contract include historical interpretive signs.

The ordinance authorizing execution of a contract for design and engineering services with Gallagher & Associates for the Gateway and Wayfinding Program was moved by Williams; seconded by Barry.

Mr. Seamens said, I have to contrast this spending with what is needed for the community center. I want to prioritize. I would rather see the City spend this money on equipping this space. I would rather see the Takoma Foundation fund this project.

Mr. Finn clarified that three-quarters of the proposed spending is from a grant.

Ms. Daines noted that we need to have the funds encumbered soon.

Mr. Seamens proposed an amendment to the motion, that is should limit the funds, for the time being, to the \$60,000 funded by the grant. Seconded by Elrich.



Mr. Elrich commented, we've got a budget and we have no idea how we'll fund the things we need. I think we need to keep every penny we have available. If things improve later, we can add more money then. This is assuming we've already funded any matching requirements.

Ms. Daines said this would delay implementation, as we would have only \$17, 000 to implement the plan.

Mr. Finn said with this amount of funding, you will complete the project plan, but then there is not money to implement it.

Mr. Williams, Ms. Mizeur, and Ms. Porter all commented on their support for the proposed amendment.

Ms. Mizeur said she also supports the amendment. The first phase implementation is funded by this. We don't know how much it would cost anyway.

Ms. Porter said she also supports it. As long as it is understood we're delaying implementation, and we are not saying we won't fund it. If Council doesn't intend ever to implement it, it's a waste of money to design it.

Ms. Austin-Lane noted that we've had some problems in the recent past with things coming in over budget. What will guide this contract?

Mr. Finn said the contract is for \$42,280. Unless we ask them to do more, the cost will not exceed the dollar amount.

Mr. Elrich said that whoever designs this should have a dollar figure in mind. I want to let them know in advance what kind of budget they have, so that the design created is affordable.

Mr. Finn said it is part of the process. The cost of implementation will be dependant on the materials. Early on in the process they will be talking about the budget to implement the plan.

Lorraine Pearsall, for Historic Takoma, said she's fine with the amendment. It is a good idea not to spend City money on this project. I assume you will look for a pot of money from the State or somewhere. I agree with Mr. Seamens that we should not be spending city money for that, right now. We can help look for grant money. The implementation phase will be expensive. You might want to give consideration as to where the money comes from, before you embark on this. Ms. Pearsall said the program should be done in coordination with the Maryland Main Street Program.

Mr. Finn said it had the commitment of \$60,000 from State. The project may need more funding. Our best guess was that \$80,000 (including \$20,000 from the City) would put a good basic system into existence. If you want to go beyond that, say with 4 or 5 major gateways, then the cost will go higher. If we simply go with something like Rockville, then maybe the \$80,000

will be enough to fund the project.

The amendment was approved unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

Ordinance #2004-11 was adopted unanimously, as amended (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**ORDINANCE #2004-11**  
**(Attached)**

**BREAK** - The Council recessed for a scheduled break at 9:35 p.m. and reconvened in worksession at 9:45 p.m.

**WORKSESSION**

**12. City's Legislative Agenda**

The Council discussed their FY05 state legislative agenda.

Ms. Porter noted that it is proposed for MML to put together a task force to study budget issues at the state level. Local governments have come in for the biggest reductions. The board will explore putting together a joint task force with the Maryland Association of Counties (MACO). On speed cameras, the Governor is prepared to veto them. The proposal would not go very far. If there is any sense that there is an opportunity, we should express an interest.

Ms. Mizeur asked for clarification.

Ms. Porter said the real issue with speed cameras is allowing a ticket written without a human observer. There was an attempt to get a pilot project in the city but it didn't prevail.

Ms. Mizeur said she wished to go on record encouraging legislation that allows for local police to retain money for tickets issued for traffic citations. It is hard to justify it if we can't benefit from the revenue. I would like to see us push more strongly to get this through.

Mr. Williams noted that we get a police rebate for that from the State.

There was discussion of "speed traps."

Mr. Elrich said, speed laws are needed for public safety whether or not we get a financial reward. Democrats have a veto-proof majority. I would like to see us push for more fundamental issues - maintain service levels, whereas the Governor wants to reduce state government and service levels. We are the most directly accountable to the people, our people feel the cuts most directly. We need to weigh in to try to stiffen the spine of the more progressive legislators on issues like

health care, taxes, more progressive ways to raise revenue, closing corporate loopholes. It is not fair to take corporate income off the table. Maryland has one of the lowest corporate tax rates in the nation. Our representatives need to look at legitimate ways to raise revenue.

Ms. Austin-Lane said she would like to see the following addressed: 1) homicide by aggressive driving, they need to bring other jurisdictions to the table on this; 2) undergrounding wires. After the hurricane, PEPCO, said they could explore undergrounding wires, but it dropped off the radar screen. The State could partner with utility companies to accomplish this.

Ms. Porter said, we could put it forward but there is no one is interested in funding this. She said she would support pedestrian safety and curbing aggressive driving.

Mr. Seamens commented that PEPCO is aggressively trimming the trees.

Mr. Seamens asked about the possibility of working with other municipalities interested in addressing the state law on rebates? Ms. Porter said that MACO would fight us tooth and nail on that. This is not the right year.

Mr. Williams said he would like to address the rebate issue with other municipalities in Montgomery County.

Mr. Seamens commented that he would like Council to strategize on the rebate issue at the next Council retreat.

## **BUDGET WORKSESSION**

Mr. Finn used a Power Point Presentation to provide information on revenues.

Ms. Porter said she would like to see the budgeted numbers along with the final numbers for prior years, and estimated final numbers for 2004.

Ms. Mizeur asked about the history of the Council's actions on the constant yield tax rate.

Mr. Williams said, I have a chart with that information. There were several years when we lowered the rate in a non-election year.

Mr. Seamens commented that the general fund and revenue worksheets were helpful. The special revenue fund is very confusing. There are two sheets, revenues and expenditures. The revenues sheet does not always state where the money is from, and the expenditures don't always say what for. "Governors supplemental budget" what does that mean? I would like these two sheets to be supplemented and clarified.

Mr. Finn said he would provide the information.

Ms. Porter said, the paper presented tonight by a citizen projecting tax revenues, it was assuming that tax rates will increase 10% a year. This is highly unlikely. We have had ups and downs in our assessable base. It has increased in the last 2 or 3 years. There have been years where it didn't increase, or actually fell a little. She said she concurs with the concern about what increases in property values are doing to the diversity in our city. This is a real and serious concern.

Mr. Barry asked if it is prudent to assume that the County funding will remain constant next year?

Mr. Finn said there are two things that will be potential threats next year: if the State further reduces funding, and if the County is serious in effecting a change in the police rebate. There are concerns at the County level. If Rockville or Gaithersburg go to full service, it will cost the County a lot. I think the County is preparing to ask for a renegotiation of the formula. That will be a major challenge to the Council and the new City Manager. The County executive makes the final determination. If you reduce the tax rate this year, you will have a serious problem next year because of the potential loss of this police rebate amount.

Mr. Elrich commented that Council should take a hard look at Public Works, Housing and Community Development, and Recreation. Of these, Public Works has the larger budget. I want to go through this budget line by line to look to see what we should be getting rebates for from the County.

Mr. Seamens noted that the Council authorized a position for a grant writer several years ago. He said he would like to see how we are doing in getting grants. He asked the City Manager to provide a quick turnaround to Council's requests, given the quick budget cycle.

Ms. Austin-Lane said we need to carefully consider what parts of Public Works we do best, and see what parts the County could do as well as we do, and perhaps start transitioning to the County. Regarding the code enforcement function, it may be time to look at turning over inspection and licensing to Montgomery County. The presentation last week didn't include all related departmental expenditures. I would like to continue that discussion.

Ms. Mizeur said the budget that's in front of us is based on the theory of a balanced budget, and yet it really doesn't seem that way because of all of the things that are on the table.

Mr. Finn said the recommended budget included \$500,000 for streets. If Council wants to move the process forward, they need to borrow the money, and pay it back using that \$500,000.

Mr. Seamens said he hopes that Council will look for opportunities to save money because of the community center.

Ms. Austin-Lane announced she will not be able to be present for the entire budget discussion. The reason we need to be streamlining what the City does is because we have roads and

community center projects. Until we can take care of the business at hand, I don't think anything should be off the table. If we transfer some services to Montgomery County, it would be to fund these projects. The entire County refuse/recycling operation is redundant with ours. I think we should look at doing these projects without taking out loans.

#### **ADJOURNMENT / CLOSED SESSION**

The Council adjourned and immediately convened in Closed Session at 11:01 p.m. Following the Closed Session, the Council adjourned for the evening.

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Closed Session 5/10/04 - Moved by Austin-Lane; seconded by Seamens. The Council voted unanimously to convene in Closed Session at 11:01 p.m. in the Municipal Building Conference Room. OFFICIALS PRESENT: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams. STAFF/OTHERS PRESENT: Finn, Carpenter, Silber. The Council was briefed on the recent court ruling regarding the public release of employment agreements and its relevance to requests for the review of the City's agreement with City Manager Finn (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) and 10-508(a)(1)(ii)).

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